



Docket No.: 028788.0102-US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jack A. Marmorstein et al.

Application No.: 10/652,620

Group Art Unit: 3713

Filed: September 2, 2003

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR LANGUAGE
INSTRUCTION

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced
Patent Application:

1. Information Disclosure Statement;
2. Form PTO/SB/08a/b;
3. Nine cited documents; and
4. Return receipt postcard.

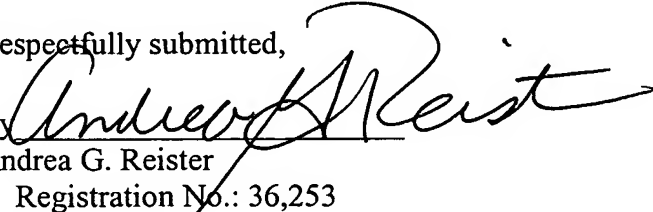
The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 028788.0102-US00. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: December 27, 2004

Respectfully submitted,

By


Andrea G. Reister

Registration No.: 36,253

Melody H. Wu

Registration No.: 52,376

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorneys for Applicant



Docket No.: 028788.0102-US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jack A. Marmorstein et al.

Application No.: 10/652,620

Group Art Unit: 3713

Filed: September 2, 2003

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR LANGUAGE
INSTRUCTION

INFORMATION DISCLOSURE STATEMENT

Sir:

Listed on accompanying Form PTO/SB/08a/b are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08a/b based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present

application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a/b, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 028788.0102-US00.

Dated: December 27 2004

Respectfully submitted,

By 

Andrea G. Reister

Registration No.: 36,253

Melody H. Wu

Registration No.: 52,376

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorneys for Applicant



PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/652,620-Conf. #1037
				Filing Date	September 2, 2003
				First Named Inventor	Jack A. Marmorstein
				Art Unit	3713
				Examiner Name	Not Yet Assigned
Sheet	1	of	4	Attorney Docket Number	028788.0102-US00

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (# known)			
	AA	US-3,946,504	03-30-1976	Nakano	
	AB	US-4,112,595	09-12-1978	Fernandez, et al.	
	AC	US-4,128,737	12-05-1978	Dorais	
	AD	US-4,247,995	02-03-1981	Heinberg	
	AE	US-4,333,152	06-01-1982	Best	
	AF	US-4,406,001	09-20-1983	Klasco, et al.	
	AG	US-4,406,626	09-27-1983	Anderson, et al.	
	AH	US-4,443,199	04-17-1984	Sakai	
	AI	US-4,613,309	09-23-1986	McCloskey	
	AJ	US-4,615,680	10-07-1986	Tomatis	
	AK	US-4,710,877	12-01-1987	Ahmed	
	AL	US-4,864,620	09-05-1989	Bialick	
	AM	US-4,884,972	12-05-1989	Gasper	
	AN	US-4,891,011	01-02-1990	Cook	
	AO	US-5,010,495	04-23-1991	Willetts	
	AP	US-5,065,317	11-12-1991	Hiramatsu et al.	
	AQ	US-5,065,345	11-12-1991	Knowles, et al.	
	AR	US-5,145,376	09-08-1992	Krass	
	AS	US-5,170,362	12-08-1992	Greenberg, et al.	
	AT	US-5,191,617	03-02-1993	Bolin, et al.	
	AU	US-5,197,883	03-30-1993	Johnston	
	AV	US-5,203,705	04-20-1993	Hardy, et al.	
	AW	US-5,267,865	12-07-1993	Lee, et al.	
	AX	US-5,273,433	12-28-1993	Kaminski et al.	
	AY	US-5,302,132	04-12-1994	Corder	
	AZ	US-5,275,569	01-04-1994	Watkins	
	AA1	US-5,286,205	02-15-1994	Inouye, et al.	
	AB1	US-5,293,584	03-08-1994	Brown, et al.	
	AC1	US-5,307,442	04-26-1994	Abe, et al.	
	AD1	US-5,315,689	05-24-1994	Kanazawa, et al.	
	AE1	US-5,340,316	08-23-1994	Javkin, et al.	
	AF1	US-5,393,236	02-28-1995	Blackmer et al.	
	AG1	US-5,421,731	06-06-1995	Walker	
	AH1	US-5,453,014	09-26-1995	Henriks	
	AI1	US-5,486,111	01-23-1996	Watkins	
	AJ1	US-5,487,671	01-30-1996	Shapiro, et al.	
	AK1	US-5,503,560	04-02-1996	Stentiford	
	AL1	US-5,529,496	06-25-1996	Barrett	
	AM1	US-5,540,589	07-30-1996	Waters	
	AN1	US-5,557,706	09-17-1996	Geist	
	AO1	US-5,562,453	10-08-1996	Wen	
	AP1	US-5,634,086	05-27-1997	Rtischev, et al.	
	AQ1	US-5,649,826	07-22-1997	West et al.	
	AR1	US-5,692,906	12-02-1997	Corder	
Examiner Signature				Date Considered	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/652,620-Conf. #1037
				Filing Date	September 2, 2003
				First Named Inventor	Jack A. Marmorstein
				Art Unit	3713
				Examiner Name	Not Yet Assigned
Sheet	2	of	4	Attorney Docket Number	028788.0102-US00

	AS1	US-5,697,789	12-16-1997	Sameth, et al.	
	AT1	US-5,717,818	02-10-1998	Nejime, et al.	
	AU1	US-5,717,828	02-10-1998	Rothenberg	
	AV1	US-5,727,951	03-17-1998	Ho, et al.	
	AW1	US-5,729,694	03-17-1998	Holzrichter, et al.	
	AX1	US-5,730,603	03-24-1998	Harless	
	AY1	US-5,735,693	04-07-1998	Groiss	
	AZ1	US-5,766,015	06-16-1998	Shpiro	
	AA2	US-5,771,212	06-23-1998	Park	
	AB2	US-5,799,276	08-25-1998	Komissarchik, et al.	
	AC2	US-5,810,599	09-22-1998	Bishop	
	AD2	US-5,822,720	10-13-1998	Bookman, et al.	
	AE2	US-5,857,173	01-05-1999	Beard, et al.	
	AF2	US-5,882,202	03-16-1999	Sameth, et al.	
	AG2	US-5,884,263	03-16-1999	Aaron, et al.	
	AH2	US-5,885,083	03-23-1999	Ferrell	
	AI2	US-5,888,071	03-30-1999	Takamori	
	AJ2	US-5,895,446	04-20-1999	Takeda et al.	
	AK2	US-5,920,838	07-06-1999	Mostow, et al.	
	AL2	US-5,957,699	09-28-1999	Peterson, et al.	
	AM2	US-5,995,932	11-30-1999	Houde	
	AN2	US-6,017,219	01-25-2000	Adams, Jr., et al.	
	AO2	US-6,071,123	06-06-2000	Tallal et al.	
	AP2	US-6,077,085	06-20-2000	Parry et al.	
	AQ2	US-6,134,529	10-17-2000	Rothenberg	
	AR2	US-6,163,769	12-19-2000	Acero et al.	
	AS2	US-6,178,397	01-23-2001	Fredenburg	
	AT2	US-6,198,904	03-06-2001	Rosen	
	AU2	US-6,224,383	05-01-2001	Shannon	
	AV2	US-6,227,863	05-08-2001	Spector	
	AW2	US-6,234,802	05-22-2001	Pella, et al.	
	AX2	US-6,275,789	08-14-2001	Moser, et al.	
	AY2	US-6,302,695	10-16-2001	Rtishchev, et al.	
	AZ2	US-6,305,942-B1	10-23-2001	Block et al.	
	AA3	US-2001/0041328-A1	11-15-2001	Fisher	
	AB3	US-6,325,630	12-04-2001	Grabmayr	
	AC3	US-6,341,958	01-29-2002	Zilberman	
	AD3	US-6,356,865-B1	03-12-2002	Franz et al.	
	AE3	US-6,358,054	03-19-2002	Rothenberg	
	AF3	US-6,370,498-B1	04-09-2002	Flores et al.	
	AG3	US-6,385,568-B1	05-07-2002	Brandon et al.	
	AH3	US-6,397,185	05-28-2002	Komissarchik, et al.	
	AI3	US-6,438,515	08-20-2002	Crawford, et al.	
	AJ3	US-2002/0128814-A1	09-12-2002	Brandon et al.	
	AK3	US-6,468,084	10-22-2002	MacMillan	
	AL3	US-2003/0023420-A1	01-30-2003	Goodman	
	AM3	US-6,517,351-A1	02-11-2003	Spector	
	AN3	US-2003/0152904-A1	08-14-2003	Doty, JR.	
	AO3	US-2003/0040899-A1	02-27-2003	Ogilvie	
	AP3	US-6,565,358-B1	05-20-2003	Thomas	
Examiner Signature				Date Considered	

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/652,620-Conf. #1037
				Filing Date	September 2, 2003
				First Named Inventor	Jack A. Marmorstein
				Art Unit	3713
				Examiner Name	Not Yet Assigned
Sheet	3	of	4	Attorney Docket Number	028788.0102-US00

	AQ3	US-6,625,608	09-23-2003	Watanabe	
	AR3	US-6,632,096	10-14-2003	Sumimoto	
	AS3	US-RE38432	02-24-2004	Fai, et al.	
	AT3	US-6,704,699-A1	03-09-2004	Nir	
	AU3	US-6,704,710-A1	03-09-2004	Strong	
	AV3	US-6,729,882-A1	05-04-2004	Noble	
	AW3	US-6,741,833-A1	05-25-2004	McCormick, et al.	
	AX3	US-6,782,356	08-24-2004	Lopke	
	AY3	US-6,790,044	09-14-2004	Hagebarth	
	AZ3	US-6,793,498	09-21-2004	Nunes	
	AA4	US-6,796,798	09-28-2004	Sanocki	
	AB4	US-6,801,912-A1	10-05-2004	Moskowitz, et al.	
	AC4	US-6,801,888-A1	10-05-2004	Hejna, Jr.	
	AD4	US-6,801,893	10-05-2004	Backfried, et al.	
	AE4	US-6,714,911-A1	03-30-2004	Waryas, et al.	
	AF4	US-6,725,198-A1	04-20-2004	Waryas, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
1	BA	WO-WO 03/017229-A1	02-27-2003	Ogilvie, John W., L.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Auld, G., The Role of the Computer in Learning NDJ BBANA, Language Learning & Technology, 6(2):41-58 (2002), http://ilt.msu.edu/vol6num2/auld/ .	
	CB	Belz, J.A., Social Dimensions of Telecollaborative Foreign Language Study1, Language Learning & Technology, 6(1):60-81 (2002), http://ilt.msu.edu/vol6num1/belz/ .	
	CC	Blake, D., Language Skills and Learning Strategies, Language Skills and Learning Strategies, 1-8 (2003), http://public.sit.edu/students/pages/versluys/skillsstrategies.html .	
	CD	Boada, A.B., School language and demosociolinguistic context in francophone children and young adults in Canada outside of Quebec: a warning for the Catalan situation, Noves SL. Revista de Sociolingüística, Sociolingüística internacional, 1-10 (2002), http://cultura.gencat.net/llengscat/noves .	
	CE	Boudreau, C. et al., The Foreign Language Acquisition System of Project Orbis: An Example of Educational, Customizable Language Exposure in a Shared Virtual Environment, The Foreign Language Acquisition System of Project Orbis, 1-10 (2003), http://context.mit.edu/mediat98/paper1/ .	
	CF	McHenry, T., Words As Big as the Screen: Native American Languages and the Internet, Language Learning & Technology, 6(2):102-115 (2002), http://ilt.msu.edu/vol6num2/mchenry/default.html .	

Examiner Signature	Date Considered
-----------------------	--------------------

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/652,620-Conf. #1037
				Filing Date	September 2, 2003
				First Named Inventor	Jack A. Marmorstein
				Art Unit	3713
				Examiner Name	Not Yet Assigned
Sheet	4	of	4	Attorney Docket Number	028788.0102-US00

	CG	Parks, S. et al., Crossing Boundaries: Multimedia Technology and Pedagogical Innovation in a High School Class, Language Learning & Technology, 7(1):28-45 (2003), http://lt.msu.edu/vol7num1/parks/default.html .	
	CH	Transparent Language Learning Software, Translation Software, 1-3, at http://www.transparent.com (October 14, 2004).	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--